PUBLIC LAW 99-209—DEC. 23, 1985

NEWARK PUBLIC LIBRARY

MAR 14 1986

U. S. GOVT. PUBS.
DEPOSITORY 376-

PANAMA CANAL AMENDMENTS ACT OF 1985

71-139 O - 86 (209)

READEX FICHE

AE 2.110:

Public Law 99-209
99th Congress

An Act

Dec. 23, 1985
[H.R. 729]

To amend the Panama Canal Act of 1979 in order that claims for vessels damaged outside-the-locks may be resolved in the same manner as those vessels damaged inside the locks, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Panama Canal Amendments Act of 1985.
22 USC 3601 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Panama Canal Amendments Act of 1985".

SEC. 2. FILING CLAIMS FOR DAMAGES.

(a) INJURIES IN LOCKS OF CANAL.—Section 1411 of the Panama Canal Act of 1979 (22 U.S.C. 3771) is amended—

(1) in the first sentence—

(A) by striking out "The" and inserting in lieu thereof "(a) Subject to subsection (b) of this section, the"; and

(B) by striking out "under the control of officers or employees of the United States" and inserting in lieu thereof "when the injury was proximately caused by negligence or fault on the part of an officer or employee of the United States acting within the scope of his employment and in the line of his duties in connection with the operation of the Canal";

(2) by striking out the second sentence; and

(3) by adding at the end thereof the following new sentence: "No payment for damages on a claim may be made under this section unless the claim is filed with the Commission within 2 years after the date of the injury, or within 1 year after the date of the enactment of the Panama Canal Amendments Act of 1985, whichever is later.".

Supra.

(b) VESSELS WITHOUT PILOTS IN LOCKS OF CANAL.—Section 1411 of the Panama Canal Act of 1979 is amended by adding at the end thereof the following:

"(b)(1) With respect to a claim under subsection (a) for damages for injuries to a vessel or its cargo, if, at the time the injuries were incurred, the navigation or movement of the vessel was not under the control of a Panama Canal pilot, the Commission may adjust and pay the claim only if the amount of the claim does not exceed $50,000, unless the injuries were caused by another vessel under the control of a Panama Canal pilot.

"(2) The provisions of subsections (c) through (e) of section 1401 of this Act shall apply to any claim described in paragraph (1).".

22 USC 3761.

(c) INJURIES OUTSIDE LOCKS.—Section 1412 of the Panama Canal Act of 1979 (22 U.S.C. 3772) is amended—

(1) in the first sentence by striking out ", and when the amount of the claim does not exceed $120,000"; and

(2) by adding at the end thereof the following new sentence: "No payment for damages on a claim may be made under this

section unless the claim is filed with the Commission within 2 years after the date of the injury, or within 1 year after the date of the enactment of the Panama Canal Amendments Act of 1985, whichever is later.".

SEC. 3. DELAYS FOR MARINE ACCIDENT INVESTIGATIONS.

Section 1414(6) of the Panama Canal Act of 1979 (22 U.S.C. 3774(6)) is amended to read as follows:

"(6) investigation of a marine accident that is conducted within 24 hours after the accident occurs, except that any liability of the Commission beyond that 24-hour period shall be limited to the extent to which the accident was caused, or contributed to, by the negligence of an employee of the Commission acting within the scope of the employee's official duties; or".

SEC. 4. SETTLEMENT OF CLAIMS.

Section 1415 of the Panama Canal Act of 1979 (22 U.S.C. 3775) is amended—

(1) in subsection (a)—

(A) by striking out "(a)";

(B) by striking out "Subject to subsection (b) of this section, the" and inserting in lieu thereof "The"; and

(C) by amending the second sentence to read as follows: "Such amounts may be paid only out of money appropriated or allotted for the maintenance and operation of the Panama Canal."; and

(2) by striking out subsection (b).

SEC. 5. ACTIONS ON CLAIMS.

Section 1416 of the Panama Canal Act of 1979 (22 U.S.C. 3776) is amended—

(1) in the first sentence by striking out "1411" and inserting in lieu thereof "1411(a) or 1412";

(2) by amending the third sentence to read as follows: "Any judgment obtained against the Commission in an action under this subchapter may be paid only out of money appropriated or allotted for the maintenance and operation of the Panama Canal."; and

(3) by adding at the end thereof the following new sentences: "Any action on a claim under this section shall be barred unless the action is brought within one year after the date on which the Commission mails to the claimant written notification of the Commission's final determination with respect to the claim, or within one year after the date of the enactment of the Panama Canal Amendments Act of 1985, whichever is later. Attorneys appointed by the Commission shall represent the Commission in any action arising under this subchapter.".

22 USC 3771, 3772.

SEC. 6. INSURANCE.

(a) IN GENERAL.—Subchapter II of chapter 4 of title I of the Panama Canal Act of 1979 is amended by adding at the end thereof the following new section:

"INSURANCE

22 USC 3779.

"SEC. 1419. The Commission is authorized to purchase insurance to protect the Commission against major and unpredictable revenue losses or expenses arising from catastrophic marine accidents.".

(b) CONFORMING AMENDMENT.—The table of contents of the Panama Canal Act of 1979 is amended by inserting after the item relating to section 1418 the following new item:

"1419. Insurance.".

22 USC 3771 note.

SEC. 7. APPLICABILITY OF ACT.

(a) RETROACTIVE APPLICABILITY.—The amendments made by subsections (a) and (c) of section 2, and the amendments made by sections 4 and 5 of this Act, shall apply to any claim arising on or after October 1, 1979.

(b) FUTURE APPLICABILITY.—

(1) SECTIONS 3 AND 6.—The amendments made by sections 3 and 6 of this Act shall apply to any claim arising on or after the date of the enactment of this Act.

(2) SECTION 2(b).—The amendment made by subsection (b) of section 2 shall apply to any claim arising from an incident occurring on or after the date of the enactment of this Act.

Approved December 23, 1985.

LEGISLATIVE HISTORY—H.R. 729:

HOUSE REPORT No. 99-184 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 99-206 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 131 (1985):
July 22, considered and passed House.
Dec. 11, considered and passed Senate.

○